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June 8, 2023

Via Email

United States Magistrate Judge Edward S. Kiel
Frank R. Lautenberg U.S. Post Office & Courthouse Building
2 Federal Square
Newark, NJ 07102

Re: *John Doe v. Baila Sebrow*
United States District Court, District of New Jersey
Case No.: 2:21-cv-20706

Dear Magistrate Kiel,

I write this letter pursuant to Your Honor's Civil Case Management Order for permission to file an Order to Show Cause pursuant to Fed. R. Civ. P. 37(b)(2). Additionally, we request that since payment has not been received by Sebrow pursuant to this Court's May 24, 2023 Letter Order the court be converted into a final judgment so that Plaintiff may enforce his rights.

The matter at hand is straightforward and ideally should not necessitate further court intervention. However, regrettably, I am compelled to involve the court solely because my firm has been unable to obtain a response from the defendant. On June 2, 2023, this court ordered Sebrow to "provide access to her present cellular telephone and computer to plaintiff's expert by June 16, 2023." At the court appearance, it was made clear this also includes all iCloud accounts, email accounts, and other devices within Sebrow's possession. Access is paramount to accomplishing the Court Order.

On Friday, June 2, 2023, I sent Sebrow's counsel an email and included Mike Perelman, a director from iDiscovery Solutions, Inc. ("iDS"), the forensic company retained by Plaintiff to gather Sebrow's data (Exhibit 1). The email informed Mr. Heller of iDS's availability and the ability to remotely download certain accounts. I requested a response from Mr. Heller concerning Sebrow's availability and offered to organize a Zoom conference so he could witness

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the process. Mr. Heller did not respond to the email. On June 5, 2023, I called Mr. Heller and again requested a date when iDS could obtain the data. Ms. Heller said he would get back to me. I memorialized our conference in a letter and email it to Mr. Heller (Exhibit 2). Mr. Heller did not respond with a date. I have had similar communications with Mr. Heller on June 6 and June 7. While each time Mr. Heller has requested additional time to pay the sanction fee, he has refused to provide a date and time when iDS could perform the imaging.

While I understand the June 16, 2023 deadline has not passed, I am unable to direct iDS to appear at Sebrow's house on short notice. Additionally, as I informed Mr. Heller repeatedly:

1. iDS is able to remotely gather information from Sebrow's accounts, including any online storage accounts such as her iCloud account, iPhone backup, and AOL account.
2. Some processes, such as downloading Sebrow's data directly from Apple require a request to put in with the company and a response can take several days. iDS needs to start this process.

The farce of Mr. Heller's inability to schedule a time is he has no problem corresponding about the money owed and he has spoken with his client every day this week on a state court matter. More so, the bulk of the process can begin remotely and does not require Sebrow's involvement except to provide account information, passwords, and two-step authentication codes.

Finally, as stated initially, since payment has not been made on the order, it is requested the order be converted into a judgment.

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I sincerely apologize to the court for this letter. I have little doubt that the data will definitely resolve many of the outstanding issues, yet my client is severely prejudiced without access.

Thank you.

Very Truly Yours,

DANIEL SZALKIEWICZ & ASSOCIATES, P.C.



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